

AMENDED IN SENATE JUNE 26, 2013

AMENDED IN ASSEMBLY MAY 2, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 757

Introduced by Assembly Member Roger Hernández

February 21, 2013

An act to add and repeal Section 11016.7 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 757, as amended, Roger Hernández. Department of Parks and Recreation: ~~regulations.~~ *payroll review report.*

Existing law requires that state agencies, as defined, comply with statutes and regulations governing various aspects of their operation, including the adoption of policies and regulations, hiring, transactions, and compensation.

This bill would require the Department of Parks and Recreation to ~~implement report to the Legislature on its implementation of the recommendations regarding compensation for employees working in out-of-class assignments as identified in an audit by the Controller, and report to the Legislature contained in the Controller's "Payroll Review Report of the Department of Parks and Recreation" dated December 18, 2012.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 11016.7 is added to the Government Code, to read:

~~11016.7. (a) The Department of Parks and Recreation shall, by July 1, 2014, implement, to the extent practicable, policy recommendations contained in the State Controller's Payroll Review Report of the Department of Parks and Recreation dated December 18, 2012. The Controller listed the following policy suggestions regarding compensation for employees working in out-of-class assignments in its report:~~

~~(1) All of the out-of-class assignments should be forwarded to the Classification and Pay Unit of the department for approval. The Transactions Unit of the department should ensure that all of the proper approvals are obtained before entering assignments into the payroll system. Approvals should occur before the assignment start date.~~

~~(2) The Classification and Pay Unit of the department should review bargaining unit contracts before approval of the out-of-class assignment to ensure that compensation is not paid beyond the end of an assignment period or that compensation does not exceed 120 days within 12 consecutive months or 365 days, or both, depending on the employee's classification.~~

~~(3) The justification documentation or approval sheet, or both, should include language stating that approval for managers to receive out-of-class assignments occurs only after the manager already has worked out of class for 90 days.~~

~~(4) The Transactions Unit of the department should provide training to staff to ensure that they are aware that out-of-class pay should be adjusted for employees on nonindustrial disability insurance.~~

~~(5) The Transactions Unit managers or supervisors of the department should provide tools and training to staff to ensure that payment calculations are calculated correctly. The calculation should be adequately documented using a state form STD 671 and a legible calculation sheet.~~

~~(6) The department's Internal Audit Unit should conduct regular reviews of out-of-class assignments to determine whether the assignments are in accordance with state law, bargaining unit agreements, and department policies.~~

1 ~~(7) The Department of Parks and Recreation should seek~~
2 ~~reimbursement from employees who received out-of-class~~
3 ~~payments to which they were not lawfully entitled.~~

4 ~~(b)~~

5 11016.7. (a) (1) The Department of Parks and Recreation
6 shall report on its implementation of the Controller's
7 recommendations *contained in the "State Controller's Payroll*
8 *Review Report of the Department of Parks and Recreation" dated*
9 *December 18, 2012*, pursuant to this section to the Legislature on
10 or before July 31, 2014.

11 (2) The report shall be submitted in compliance with Section
12 9795.

13 ~~(e)~~

14 (b) This section shall remain in effect only until December 31,
15 2014, and as of that date is repealed, unless a later enacted statute,
16 that is enacted before December 31, 2014, deletes or extends that
17 date.